S.B.Civil Writ Petition NO.344/2003

Rajasthan Prem Krishan Transport Co.

vs
Om Prakash & Ors.

DATE OF ORDER : - 7.2.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. S.G.Ojha, for the petitioner.
Mr. Sandeep Mehta, for the respondent.

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Heard learned counsel for the parties.

The petitioner is aggrieved against the order dated 23rd Nov., 2002 by which the permanent Lok Adalat allowed the claim petition of the non-petitioner no.1 and directed the petitioner to refund Rs.5,590/-, which was recovered from the non-petitioner no.1 by the petitioner on the ground that the non-petitioner no.1 failed to take goods and, therefore, the petitioner is entitled to recover the demurrage for holding the goods. The members of the Lok Adalat considered the facts of the case and observed that the applicant-respondent booked his goods on 25.2.2002 and obtained the bilty. The goods were to be transported to Taranagar, but it appears that the respondent was given delivery of the goods only on 22nd July., 2002. The Lok Adalat held that since there was no fault of the respondent no.1 Om Prakash in taking delivery of the goods on 22nd July, 2002 and thereby the petitioner company failed to deliver the goods to the non-petitioner

no.1, therefore, the petitioner is liable to refund the amount, which they recovered from the non-petitioner no.1. It appears that the finding of facts have been recorded by the permanent Lok Adalat after considering the contentions of both the parties. I do not find any reason to interfere in the impugned order dated 23rd Nov., 2002 by which the Lok Adalat has allowed the application of the respondent no.1 for refund of demurrage.

Hence, the writ petition of the petitioner is dismissed having no merit.

(Prakash Tatia), J.

c.p.goyal/-